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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------|------------------|
| 10/605,778 | 10/25/2003 | Jim Rodnunsky | JR-P0004 | 2777 |
| 36067 | 7590 | 09/15/2004 | EXAMINER | |
| DALINA LAW GROUP, P.C. 7910 IVANHOE AVE. #325 LA JOLLA, CA 92037 | | | LE, MARK T | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 3617 | |

DATE MAILED: 09/15/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|-------------------------------|--|--|
| Office Action Summary | Application No. 10/605,778 | Applicant(s) RODNUNSKY, JIM ST | |
| | Examiner Mark T. Le | Art Unit 3617 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10/25/03 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>2/04/10/03</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

1. This application contains claims directed to the following patentably distinct species of the claimed invention:

Species I - Fig. 1;

Species II - Fig. 2;

Species III - Fig. 3;

Species IV - Fig. 4; and

Species V - Fig. 5.

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, claim 1 is generic.

Applicant is advised that a reply to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

2. During a telephone conversation with Mr. Mayo on September 7, 2004 a provisional election was made with traverse to prosecute the invention of Species IV, Fig. 4, claims 1-20. Affirmation of this election must be made by applicant in replying to this Office action.

3. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, all the structural features recited in claims 4-12 must be shown or the features must be cancelled from the claims. No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for

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consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-3, 6-7, 9 and 13-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Rodnunsky (US 5,224,426).

Rodnunsky discloses a system having all the features recited in the instant claims, including platform 57, YZ movement rope 49, Z movement device 5, Y movement motor 23, and Z movement motor 4,

Regarding the instant claimed loader recited in instant claim 9, it is consider that the dolly 51 of Rodnunsky is readable as a loader that loads the camera and cameraman.

Regarding the instant method claims, note that the operation of the structure of Rodnunsky inherently requires the method steps recited in the instant method claims.

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 4, 8 and 10-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rodnunsky (US 5,224,426).

Rodnunsky is applied above

Regarding the instant claimed downwardly pointing camera, recited in instant claim 11, consider lines 35-37, column 6 of Rodnunsky; wherein, it is indicated that camera mount 71 may be a standard ball type, which would allow the camera to point downwardly; therefore, it would have been obvious to one skilled in the art to point the camera of Rodnunsky downwardly to film views down below when a filming project requires such views.

Regarding the instant claimed other devices, such as mechanical claw, mining scoop, and flight simulation suit, note column 1, lines 64-66 of Rodnunsky, wherein it states that Rodnunsky's system is also contemplated for a variety of other industrial, commercial, and recreational applications. Therefore, it would have been obvious to one skilled in the art to adapt the system of Rodnunsky for use with other known devices in industrial, commercial and recreational applications, such as mechanical claws, mining scoops and flight simulation suits, so as to perform the expected function thereof while achieving the expected advantages of Rodnunsky's system.

As to the instant claimed motors being powered by an electrical generator and electronic drive units, note that electrical drive systems are a well known alternative to

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hydraulic drive systems (Official Notice is taken), such as that of Rodnunsky; and it would have been obvious to one skilled in the art to substitute well known electrical drive systems for the hydraulic drive systems of Rodnunsky so as to achieve the expected advantages of the known electrical drive systems.

8. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Rodnunsky (US 5,224,426) in view of Gibson (US 4,372,535).

Rodnunsky is applied above.

Regarding the instant claimed dynamometer for measuring tension, consider the dynamometer for measuring tension on winch line 126 of Gibson, and it would have been obvious to one skilled in the art to provide a dynamometer on a winch line of Rodnunsky so as to assist in setting desired tensions to the line to enhance safety.

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Applicant should further consider the structures of Voss, Brown, Ingram, and McIntyre.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark T. Le whose telephone number is 703-308-3663. The examiner can normally be reached on Mon-Fri (8:00-5:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Samuel Morano can be reached on 703-308-0230. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Mark T. Le
Primary Examiner

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